

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Bakhtar Group, Inc.
t/a Malmaison
3401 K Street NW
Retailer CR
License No. 85367

Case No. 14-CC-0009

August 13, 2014

The Alcoholic Beverage Control Board
met in Alcoholic Beverage Control Hearing Room,
Reeves Building, 2000 14th Street N.W.,
Washington, D.C., Chairperson Ruthanne Miller
presiding.

PRESENT:
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HECTOR RODRIGUEZ, Member
MICHAEL SILVERSTEIN, Member

ALSO PRESENT:

LOUISE PHILLIPS, Assistant Attorney General

P-R-O-C-E-E-D-I-N-G-S

(9:35 a.m.)

CHAIRPERSON MILLER: Good morning,
everyone. I'd like to welcome you to the
regularly scheduled meeting of the District of
Columbia's Alcoholic Beverage Control Board.
Today is August 13, 2014.

My name's Ruthanne Miller, I'm the
Chairperson. And joining me to my far right is
Mr. Donald Brooks. Next to Mr. Brooks is Mr.
Nick Alberti. And next to Mr. Alberti and me is
Mr. Hector Rodriguez, and to my left is Mr. Mike
Silverstein.

We have five members in attendance for
the conduct of business this morning, and three
constitute a quorum. Copies of today's hearing
calendar and agenda are available at the
receptionist's desk. Please be aware that these
proceedings are being recorded by a court
reporter.

Accordingly, we must ask you to
refrain from any disruptive noises or actions in

1 the hearing room. If you have any electronic
2 devices, pagers, cell phones or such, please make
3 certain they're turned off to avoid any
4 interruption of the proceedings.

5 When I call your case, please come
6 forward and take a seat at the table. You'll
7 note that there's a piece of paper on each table
8 for you to sign in. This is to ensure the
9 correct spelling of your name for the record.

10 The Open Meetings Act requires that
11 the published hearing on each case be open to the
12 public. The Board may, consistent with Section
13 405(b) of the Open Meetings Act, enter a closed
14 meeting during or after the public hearing on a
15 case to consult with an attorney to obtain legal
16 advice, discuss settlement agreements, or
17 deliberate upon a decision in an adjudication
18 proceeding.

19 So that concludes my general
20 instructions, and now we will turn to this
21 morning's calendar. First case on the calendar
22 is Case number 14-CC-00009, Malmaison located at

1 3401 K Street Northwest, License number 85367.

2 MS. PHILLIPS: Good morning, Madam
3 Chair and Board Members. Louise Phillips,
4 Assistant Attorney General for the District of
5 Columba.

6 MR. MOLLOY: Brian Molloy on behalf of
7 Malmaison.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Molloy, did your client receive notice of this
10 hearing?

11 MR. MOLLOY: He did. And if I may
12 speak up for his absence, he just texted me to
13 say he's in a cab on the way, and he apologizes
14 for being late.

15 And we were wondering if the Board
16 would mind delaying our status hearing and
17 proceeding on to the next one until he arrives?

18 CHAIRPERSON MILLER: Okay, Ms.
19 Phillips, do you have any objection?

20 MS. PHILLIPS: I have no objections,
21 Madam Chair.

22 CHAIRPERSON MILLER: Okay. So let's

1 pass this one and come back to it when your
2 client arrives.

3 MR. MOLLOY: Thank you very much.

4 CHAIRPERSON MILLER: Okay.

5 (Whereupon, the above-entitled matter
6 went off the record at 9:37 a.m. and resumed at
7 10:10 a.m.)

8 CHAIRPERSON MILLER: I'm going to go
9 back to the first case that we passed in order to
10 wait for the owner to arrive. And that is Case
11 number 14-CC-00009, Malmaison located at 3401 K
12 Street Northwest, License number 85367. And
13 would the parties introduce themselves for the
14 record, please?

15 MS. PHILLIPS: Louise Phillips,
16 Assistant Attorney General for the District of
17 Columbia. I can barely hear you, Madam Chair.

18 CHAIRPERSON MILLER: Oh, sorry. Okay,
19 my microphone was off. Did the court reporter
20 get the information? Okay, all right.

21 MR. MOLLOY: Brian Molloy of Mallios
22 & O'Brien on behalf of the establishment,

1 Malmaison.

2 MR. POPAL: Omar Popal.

3 CHAIRPERSON MILLER: Can you say that
4 again louder, please?

5 MR. POPAL: Sure. Omar Popal.

6 CHAIRPERSON MILLER: Okay. And you're
7 the owner?

8 MR. POPAL: Yes.

9 CHAIRPERSON MILLER: Did you receive
10 notice of this hearing?

11 MR. POPAL: Yes.

12 CHAIRPERSON MILLER: Did you read it
13 and understand it?

14 MR. POPAL: Yes.

15 CHAIRPERSON MILLER: Okay. So there's
16 no notice issues in this case. All right.
17 Preliminary matters?

18 MS. PHILLIPS: Yes, Madam Chair. The
19 parties have an OIC to present to the Board.
20 This appears to be a two charge case. On Charge 1
21 is a \$350 fine, and on Charge 2 there's a written
22 warning. It's their first sale to minors case.

1 CHAIRPERSON MILLER: And when would
2 the \$350 fine be paid by?

3 MR. MOLLOY: We're prepared to pay
4 today.

5 CHAIRPERSON MILLER: Okay. All right,
6 let me just ask the Licensee for sure if you
7 agree to an OIC in which you pay \$350 today for
8 the first charge, and a warning for the second?

9 MR. POPAL: Yes.

10 CHAIRPERSON MILLER: Okay. Any
11 questions by Board members? Okay. Then I move
12 that we approve this offer and compromise of \$350
13 for the first charge to be paid today, and a
14 warning for the second charge. Do I have a
15 second?

16 MEMBER RODRIGUEZ: Second.

17 CHAIRPERSON MILLER: Mr. Rodriguez has
18 seconded the motion. Is there discussion?

19 MEMBER ALBERTI: Yes.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: I just want to
22 comment that if I remember correctly, this report

1 on this case showed that there were numerous, the
2 investigator discovered numerous minors in the
3 establishment drinking.

4 That's of great concern to this Board.
5 And you've gotten a warning. Hopefully you'll be
6 more mindful in the future. I can tell you that
7 if it happens again, if you are found to be in
8 violation of service to a minor, I will remember
9 this first report, and it will effect my
10 decisions in the future.

11 So hopefully, you know, you appear to
12 be good on it. And hopefully you'll learn and
13 rectify this. The only other thing is I want to
14 make sure that the Licensee understands that he
15 waives his right to a hearing by accepting this
16 offer and compromise?

17 (No audible response)

18 MEMBER ALBERTI: I need a response,
19 please.

20 MR. POPAL: Yes.

21 MEMBER ALBERTI: Thank you.

22 CHAIRPERSON MILLER: Others? Okay.

1 All those in favor of the motion then say aye.

2 (Chorus of ayes)

3 CHAIRPERSON MILLER: All those
4 opposed?

5 (No audible response)

6 CHAIRPERSON MILLER: All those
7 abstaining?

8 (No audible response)

9 CHAIRPERSON MILLER: All right, motion
10 passes five, zero, zero. Thank you.

11 (Whereupon, the hearing in the above-
12 entitled matter was concluded at 9:55 a.m.)

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<p>A</p> <p>\$350 6:21 7:2,7,12 a.m 2:2 5:6,7 9:12 above-entitled 5:5 absence 4:12 abstaining 9:7 accepting 8:15 Act 3:10,13 actions 2:22 adjudication 3:17 advice 3:16 agenda 2:17 agree 7:7 agreements 3:16 Alberti 1:15 2:11 2:11 7:19,21 8:18 8:21 Alcoholic 1:2,11,12 2:6 apologizes 4:13 appear 8:11 appears 6:20 approve 7:12 arrive 5:10 arrives 4:17 5:2 Assistant 1:21 4:4 5:16 attendance 2:14 attorney 1:21 3:15 4:4 5:16 audible 8:17 9:5,8 August 1:10 2:7 available 2:17 avoid 3:3 aware 2:18 aye 9:1 ayes 9:2</p>	<p>7:11 8:4 Brian 4:6 5:21 Brooks 1:16 2:10 2:10 Building 1:12 business 2:15</p> <p>C</p> <p>cab 4:13 calendar 2:17 3:21 3:21 call 3:5 case 1:9 3:5,11,15 3:21,22 5:9,10 6:16,20,22 8:1 cell 3:2 certain 3:3 Chair 4:3,21 5:17 6:18 Chairperson 1:13 1:15 2:3,9 4:8,18 4:22 5:4,8,18 6:3 6:6,9,12,15 7:1,5 7:10,17,20 8:22 9:3,6,9 charge 6:20,20,21 7:8,13,14 Chorus 9:2 client 4:9 5:2 closed 3:13 Columba 4:5 Columbia 1:1 5:17 Columbia's 2:6 come 3:5 5:1 comment 7:22 compromise 7:12 8:16 concern 8:4 concluded 9:12 concludes 3:19 conduct 2:15 consistent 3:12 constitute 2:16 consult 3:15 Control 1:2,11,12 2:6 Copies 2:16</p>	<p>correct 3:9 correctly 7:22 court 2:19 5:19 CR 1:7</p> <p>D</p> <p>D.C 1:13 decision 3:17 decisions 8:10 delaying 4:16 deliberate 3:17 desk 2:18 devices 3:2 discovered 8:2 discuss 3:16 discussion 7:18 disruptive 2:22 District 1:1 2:5 4:4 5:16 Donald 1:16 2:10 drinking 8:3</p> <p>E</p> <p>effect 8:9 electronic 3:1 ensure 3:8 enter 3:13 entitled 9:12 establishment 5:22 8:3</p> <p>F</p> <p>far 2:9 favor 9:1 fine 6:21 7:2 first 3:21 5:9 6:22 7:8,13 8:9 five 2:14 9:10 forward 3:6 found 8:7 future 8:6,10</p>	<p>gotten 8:5 great 8:4 Group 1:6</p> <p>H</p> <p>happens 8:7 hear 5:17 hearing 1:12 2:16 3:1,11,14 4:10,16 6:10 8:15 9:11 Hector 1:16 2:12 hopefully 8:5,11,12</p> <p>I</p> <p>information 5:20 instructions 3:20 interruption 3:4 introduce 5:13 investigator 8:2 issues 6:16</p> <p>J</p> <p>joining 2:9</p> <p>K</p> <p>K 1:7 4:1 5:11 know 8:11</p> <p>L</p> <p>late 4:14 learn 8:12 left 2:12 legal 3:15 let's 4:22 License 1:8 4:1 5:12 Licensee 7:6 8:14 located 3:22 5:11 louder 6:4 Louise 1:21 4:3 5:15</p>	<p>matter 1:5 5:5 9:12 matters 6:17 meeting 1:3 2:5 3:14 Meetings 3:10,13 Member 1:15,16,16 1:17 7:16,19,21 8:18,21 members 2:14 4:3 7:11 met 1:12 MICHAEL 1:17 microphone 5:19 Mike 2:12 Miller 1:13,15 2:3 2:8 4:8,18,22 5:4 5:8,18 6:3,6,9,12 6:15 7:1,5,10,17 7:20 8:22 9:3,6,9 mind 4:16 mindful 8:6 minor 8:8 minors 6:22 8:2 Molloy 4:6,6,9,11 5:3,21,21 7:3 morning 2:3,15 4:2 morning's 3:21 motion 7:18 9:1,9 move 7:11</p>
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